

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLN. OF: SHOJI

SERIAL NO: 09/370,326

FILED: August 9, 1999



GP 2811
Election #3
4/11/00
[Signature]

FOR: ARRAY OF ELECTRODES RELIABLE, DURABLE, AND ECONOMICAL AND
PROCESS FOR FABRICATION THEREOF

GROUP: 2811

EXAMINER: PAREKH, N.

DOCKET: NEC N99-1019

Commissioner of Patents & Trademarks
Washington, D.C. 20231

AMENDMENT A

Dear Sir:

This is in response to the Official Action mailed March 15, 2000. The restriction requirement is respectfully traversed. The Official Action has not established a prima facie justification for the requirement for election. In the Official Action, the Examiner has required restriction, under 35 USC § 121, between the following groups of claims:

- I. Claims 1-11 drawn to a device or structure, classified in class 257, subclass 738;
and
- II. Claims 12-25, drawn to process for making a device or structure, classified in
class 438, subclass 613.

In making the restriction requirement, the Examiner asserts "in the instant case unpatentability of the Group I invention would not necessarily imply unpatentability of the process of the group II invention," This reference made to the unpatentability of the claims is irrelevant to a restriction requirement. A requirement for restriction has nothing to do with the

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